

## **REMARKS**

By the 22 January 2006 *Final Office Action*, Claims 1-27 are pending in this Application, and all stand rejected. In response, Applicant submits this *Response*. Applicant thanks the Examiner for the careful consideration and examination given to the Application.

Applicant files this response solely to facilitate prosecution. As such, Applicant reserves the right to present new or additional claims in this Application that have similar or broader scope as originally filed. Applicant also reserves the right to present additional claims in a later-filed continuation application that have similar or broader scope as originally filed. Accordingly, any amendment, claim cancellation, or remark is not to be construed as abandonment or disclaimer of any subject matter.

In light of this *Response*, Applicant believes that the Application is now in immediate condition for full allowance. It is also believed that no new matter is introduced by this submission. Upon entry of this *Response*, Claims 1-27 are pending in the Application. It is respectfully asserted that the Application is allowable for the following reasons.

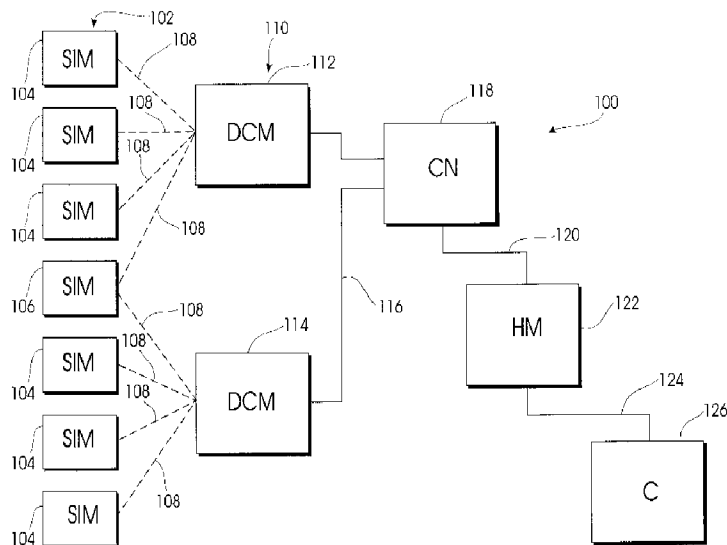
### **I. All Pending Claims Are Allowable In Accordance With 35 U.S.C. § 103(a)**

In the *Office Action*, the Examiner rejects Claims 1-27 variously under 35 U.S.C. § 103(a). More specifically, Claims 1-6 and 8-26 are rejected as unpatentable in view of a combination of *Cunningham* (USPN 6,124,806) and *Robert* (1977 IEEE Publication); and Claims 7 and 27 are rejected as unpatentable in view of *Cunningham*, *Robert*, and *Jil* (1982 IEEE Publication).

Applicant respectfully asserts that the pending claims are allowable over the cited combinations for at least several reasons. As MPEP § 2143 provides, a *prima facie* case of obviousness requires three findings. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the cited references must teach or suggest all the claim limitations. Here, the cited references do not support a *prima facie* case of obviousness because the combination does not teach each and every claimed element and limitation.

*Cunningham* discloses a system that includes multiple sensor interface modules (SIMs) for monitoring remote devices, as shown below. The SIMs transmit remote device information

to at least one data collection module (DCM), and the DCM transmits information to a host system (or host module (HM)). The SIMs include hardware sensors for the monitored devices, computerized monitoring systems, power supplies, and transmitters.



However, *Cunningham's* SIMs do not include receivers or transceivers that allow the SIMs to receive information from or communicate with other SIMs. That is, a SIM can not directly communicate with another SIM or a SIM can not communicate with another SIM using an intermediate SIM in a communication path

The Examiner acknowledges this shortcoming of *Cunningham* in the *Office Action*. Indeed, the Examiner states: “*Cunningham* does not explicitly disclose each communication path comprising one or more communication devices involved in the communication link between the transceiver and each of the plurality of communication devices.” The Examiner then cites *Robert* as teaching the claimed limitation that *Cunningham* does not teach.

Applicant respectfully asserts, however, that *Robert* does not cure the deficiencies associated with *Cunningham*. In particular, while *Robert* may disclose certain concepts related to Applicant’s claimed invention, the *Cunningham-Robert* combination does not teach or fairly suggest the claimed advantageous features of managing communication with each of the plurality of communication devices, via a first communication protocol, based on one or more communication paths for each of the plurality of communication devices ***and the identification of each of the plurality of communication devices in the one or more communication paths*** as claimed by Applicant (See Claims 1, 15, and 23 for exact claim language).

Regarding this claimed feature, the Examiner alleges that Column 14, Lines 27-31 and also Figure 21 of *Cunningham* “teaches” this claimed feature. Applicant respectfully disagrees after reviewing this cited portion. Indeed, the cited portion of *Cunningham* merely discloses:

“This 32 bit packet includes the sensor interface modules identification and the transmitted information.” In other words, the “32 bit packet” only includes the originating SIMs identifier, but it does not teach or fairly suggest having “*the identification of each of the plurality of communication devices in the one or more communication paths*” as Applicant claims. Further, *Cunningham* is silent regarding **managing** communication based on identification of each of the plurality of communication devices in the one or more communication paths as more specifically claimed by Applicant.

As shown in the above figure of *Cunningham*, the SIMs do not communicate with other SIMs. As such, *Cunningham*’s system has no need to include the identification of each of the plurality of communication devices in the one or more communication paths like Applicant’s claimed invention. Thus, while inclusion of a single SIM identifier may be a “crucial” part of *Cunningham*’s system, such limited disclosure can not be fairly equated to Applicant’s claimed feature. In addition, *Cunningham* does not use SIM identification information to manage communication between SIMs and DCMs.

Moreover, and due to *Cunningham*’s specific packet structure and communication protocol, *Cunningham* would not function correctly is multiple SIM identifiers were to be stored in the 32 bit data package. The reason for this is simply the DCMs would not be able to decipher the unexpected packet data. In addition, *Cunningham*’s single SIM identifier and specific communication protocol teach away from Applicant’s claimed invention (1) because *Cunningham* does not allow SIMs to communicate with other SIMs, and (2) because inclusion of multiple identifiers in *Cunningham*’s packet would alter *Cunningham*’s system in such a way it could not determine one SIM from another thereby failing to provide its “crucial” function.

The pending claims are also allowable over the cited references for additional reasons. While the Examiner conclusory states that one of ordinary skill in the art would combine *Cunningham* and *Robert*, Applicant respectfully asserts that the Examiner’s characterization of *Robert* does not follow *Robert*’s disclosure.

When discussing *Robert* in the *Office Action*, the Examiner states that *Robert*’s “station” can be a considered a “smart” repeater because a packet radio at a station has the functionality of both a packet radio at a terminal and a repeater. Applicant believes this conclusory statement is not only unsupported by *Robert*, but that this conclusory statement fails to address *Robert*’s system deficiencies. In particular, *Robert*’s stations do not possess smart abilities as components

of Applicant's claimed invention and *Robert* does not discuss the stations as this way. In other words, *Robert* does not even discuss how the stations may manage communications. Rather, *Robert* only states that "stations . . . provide system control" and does not further elaborate as to what function or purpose the "stations" serve (Page 171, Right Column; *see also* Page 174, Right Column).

While *Roberts* may state that stations "control" the "Radionet" this statement does not mention any specific control features that are applicable to Applicant's invention. Further, *Roberts's* minimal statements on the stations confirms that *Roberts* simplistic system weighs against the cited combination. Finally, *Robert's* silence as to what control features the stations contain renders the cited combination deficient under 35 USC § 103(a) since the cited combination does not teach Applicant's claimed subject matter as a whole.

Applicants, therefore, respectfully assert that the pending independent claims and their respective dependent claims are allowable over the cited references. Withdrawal of the § 103 rejection is respectfully requested.

## **II. Notice of Entity Status Change**

In accordance with MPEP § 509.03, the current owner of this application notifies the United States Patent and Trademark Office that this application no longer qualifies for small entity status. Accordingly, pursuant to 37 C.F.R. § 1.27(g)(2), it is respectfully requested that small entity status be withdrawn for this application.

In further accordance with MPEP § 509.03, Applicant respectfully asserts that it can continue paying small entity fees in this application as stated in 37 C.F.R. § 1.27(g)(1). Indeed, this USPTO regulation states: "Once status as a small entity has been established in an application or patent, *fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.*" 37 C.F.R. § 1.27(g)(1) (emphasis added); *see also Daimlerchrysler AG v. Feuling Advanced Techs., Inc.*, 276 F. Supp. 2d 1054, 1060-61 (S.D. Cal. 2003). In adherence to and depending upon this USPTO regulation, Applicant will continue to pay small entity fee even though entity status has changed until an issue fee becomes due in this application. *Id*; *see also* MPEP § 509.03 (Section VII. Removal Of Status).

### **III. Fees and Express Extension of Time Petition**

Applicants believe no claims fees are due, as the total number of Claims, and independent Claims, is equal to the number of Claims paid for upon filing this Application.

This *Response* is being filed within four months of the *Final Office Action*. Thus, Applicants petition under 37 CFR § 1.136 for a one-month extension of time. Applicant submits the small entity fee (\$60) for the one-month extension via EFS-Web.

No other fees are believed due. Nonetheless, the Commissioner is authorized to charge Deposit Account No. 20-1507 should additional fees be due to keep the Application pending before the USPTO.

### **IV. Conclusion**

This *Response* is believed to be a complete response to the *Office Action* mailed 22 January 2007. Applicant respectfully asserts that the currently pending claims are in condition for allowance and respectfully requests passing of this case in due course of patent office business. If the Examiner believes there are other issues that can be resolved by a telephone interview, or there are any informalities remaining in the application which may be corrected by an Examiner's amendment, a telephone call to Hunter Yancey at (404) 885-3696 is respectfully requested.

Respectfully submitted,

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